

FILED '08 NOV 25 11:23 USDC-ORP

Gary Kahn, OSB #81481
Peggy Hennessy, OSB #87250
REEVES, KAHN & HENNESSY
gkahn@rke-law.com
phennessy@rke-law.com
P.O. Box 86100
4035 S.E. 52nd Avenue
Portland, Oregon 97286-0100
(503) 777-5473
(503) 777-8566 FAX

Erin Madden, OSB #04468
CASCADIA LAW P.C.
erin.madden@gmail.com
4803 SE Woodstock, #135
Portland, OR 97206
(503) 753-1310
(503) 296-2973 FAX

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

FRIENDS OF THE COLUMBIA GORGE, INC.,
an Oregon non-profit corporation,

Case No.: 04-1332-ST

Plaintiff,

v.

The UNITED STATES FOREST SERVICE,
an agency of the United States Department
of Agriculture,

Defendant.

**STIPULATION RE:
DISPOSITION OF MOTION
FOR ATTORNEY FEES
AND COSTS**

Plaintiff and Defendant hereby jointly submit and respectfully ask the Court to approve
this stipulation memorializing their agreement providing for disposition of Plaintiff's Motion for

STIPULATION REGARDING MOTION FOR ATTORNEY FEES AND COSTS

Attorney Fees and Costs (Dkt. #96). Specifically, the parties hereby stipulate as follows:

1. On September 24, 2008, Plaintiff filed a motion for attorney fees and costs (Dkt. #96). Plaintiff and Defendant have been engaged in settlement negotiations designed to resolve the issues raised by the motion in the absence of further litigation. On November 3, 2008, the parties reached agreement on a fixed sum to serve as the basis of a settlement agreement to dispose of the motion. This stipulation serves to memorialize and formalize their agreement.
2. Defendant shall pay to Plaintiff Friends of the Columbia Gorge, Inc. (Taxpayer ID# 93-0782467) the sum of \$58,750.00 as the full amount due and owing and in complete satisfaction of any obligations Defendant may have to compensate Plaintiff for the expenditures it has made or has yet to make for attorneys' fees, expenses, and costs related to this action, including but not limited to the expenditures for which it seeks reimbursement in its pending motion. Defendant shall send such payment to Friends of the Columbia Gorge, Inc. at the following address:

Friends of the Columbia Gorge
ATTN: Nathan Baker
522 SW 5th Avenue, Suite 720
Portland, Oregon, 97204-2100.

3. Friends of the Columbia Gorge, Inc. hereby withdraws its pending motion for attorney fees and costs (Dkt. #96) with prejudice. The Court will retain jurisdiction to enforce the terms of this stipulation if necessary until the payment referenced in paragraph 2, above, has been made.

4. The fact that the parties are entering into this stipulation does not constitute, and shall not be construed, as an admission on the part of either Plaintiff or Defendant with respect to any issues related to Plaintiff's motion for attorney fees and costs.

5. The parties respectfully request that the Court review and approve this stipulation by signing on the signature block below provided for that purpose. Within ten days following the

STIPULATION REGARDING MOTION FOR ATTORNEY FEES AND COSTS

Court's approval, Defendant will submit the necessary paperwork to process the payment to Friends of the Columbia Gorge, Inc. referenced in paragraph 2, above.

Respectfully submitted this 10th day of November, 2008.

s/ Erin Madden

Erin Madden, OSB #04468
Cascadia Law P.C.
(503) 753-1310

Of Attorneys for Plaintiff

s/ Stephen J. Odell

Stephen J. Odell, OSB #90353
Assistant U.S. Attorney
(503) 727-1024

Of Attorneys for Defendant

I have reviewed and APPROVE the foregoing stipulation of Plaintiff and Defendant regarding the disposition of Plaintiff's Motion for Attorney Fees and Costs (Dkt. #96).

DATED this 25 day of November, 2008.


THE HONORABLE JANICE STEWART
U.S. Magistrate Judge

STIPULATION REGARDING MOTION FOR ATTORNEY FEES AND COSTS